IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION (L) NO. 3009 OF 2004

A.K. Godbone & Others ... Petitioners

Vs.

The Deputy Registrar & ors. ...Respondents

Mr. Kishor S. Patil for Petitioner.

Mr. A.S. Desai for Respondent No. 5.

CORAM : F.I. REBELLO,J.
DATED : NOVEMBER 04, 2004

P.C.

. Rule. Heard forthwith.

. In Writ Petition No. 3844 of 2004 by order dated 5.5.2004 petition was disposed of amongst others with the following directions :

> " That the decision in enquiry under Section 88 of the Act, if any, will be subject to outcome of the Revision Application pending before the Divisional Jt. Registrar. Petition is disposed of accordingly."

. Revision Application No. 765 of 2003 that came up for hearing was disposed of by order dated 19.10.2004. The learned Divisional Jt. Registrar was pleased to dispose of the Revision Application on the ground that consequent to the report under Section 88 it was open to the Petitioner to reply

to the show cause notice issued to him. IN my opinion, the order ex facie is contrary to the judgement of this court dated 5.5.2004. The Divisional Jt. Registrar was directed to dispose of the Revision Application and the report under Section 88 was subject to the disposal of the said revision application. In the light of that the following order :

. The Divisional Joint Registrar is directed to dispose of the revision application on its own merits irrespective of the report prepared under Section 88. Considering the direction issued on 5.5.2004, said revision application be disposed of at any rate within six weeks from today. Till the disposal of the revision application, recovery under Section 88 not to be proceeded with till the hearing and final disposal of the revision.

. Rule made absolute accordingly.

. P.A. to issue authenticated copy of this order.

(F.I. REBELLO,J.)